

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON DIVISION

United States of America,)	
)	
Plaintiff,)	C.A. No. 8:05-2734-HMH-BHH
)	
vs.)	OPINION & ORDER
)	
Robert Barnwell Clarkson, individually)	
and d/b/a The Patriot Network,)	
)	
Defendant.)	

This matter is before the court with the August 3, 2006, Report of United States Magistrate Judge Bruce H. Hendricks, made in accordance with 28 U.S.C. § 636(b)(1) (West Supp. 2006) and Local Civil Rule 73.02 of the District of South Carolina. The Defendant moved to dismiss The Patriot Network, arguing that the United States failed to properly serve The Patriot Network pursuant to Rule 4(h) of the Federal Rules of Civil Procedure. On August 23, 2006, the court found that “The Patriot Network is not a separate entity from Clarkson.” (Aug. 23, 2006, Order.) Therefore, Clarkson’s motion to dismiss The Patriot Network for failure to serve is moot. Based on the foregoing, the court declines to adopt Magistrate Judge Hendricks’ Report and recommendation.

Therefore, it is

ORDERED that the Defendant's motion to dismiss, docket number 35, is dismissed as moot.

IT IS SO ORDERED.

Greenville, South Carolina
August 29, 2006

s/Henry M. Herlong, Jr.
United States District Judge